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PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. J. 2740—Prisons, dated Bangalore, 14th March 1913.

Instances having come to the notice of Government in which supposed lunatics were taken by their relatives direct to the Lunatic Asylum, Bangalore, instead of through a Magistrate, the following rules for the reception and detention of lunatics in Asylums in Mysore published with Chief Commissioner's Notification No. 141, dated the 31st July 1874, with the additions made by Notification No. 196, dated the 4th August 1891, and by Government Order No. J. 2130-39—Pris. 8-05-28, dated the 16th January 1908, are republished for general information.

By Order,
K. R. SRINIVASIENGAR,
*Officiating Secretary to Government,
General and Revenue Departments.*

Notification No. 141, dated the 31st July 1874.

The following Rules for the reception and detention of lunatics in asylums in Mysore having been sanctioned by the Government of India, Foreign Department, in letter No. 137 J., dated 23rd July 1874, are published for general information and guidance.

Rules for the Reception and Detention of Lunatics in the Province of Mysore.

WHEREAS it is expedient to make provision for the reception and detention of lunatics in asylums established for that purpose in the Mysore Province, the following rules having the force of law will come into, and be in, force in the said Province on and after the first day of April 1874.

1. The Chief Commissioner may, with the previous sanction of the Government of India, establish asylums for the reception and detention of lunatics at such places within the limits of the said Province as he thinks proper.

Establishment of lunatic asylums.

2. The management of every lunatic asylum and the care and custody of its inmates shall be regulated according to such rules as may from time to time be sanctioned by the Chief Commissioner. The Chief Commissioner shall appoint for every asylum not less than three visitors, one of whom at least shall be a Medical Officer. Every asylum shall be under the charge of a Medical Officer.

Rules for the management of such asylum.

3. Every officer in charge of a Police Station shall apprehend and send to a Magistrate all persons found wandering at large within his jurisdiction who are deemed to be lunatics and by reason of their lunacy are considered to be dangerous or incapable of taking care of themselves. Whenever any such person as aforesaid is brought before the Magistrate, and the Magistrate is satisfied, after inspecting such person and making any necessary enquiry, that he is a fit person to be detained in a lunatic asylum under care and treatment, he shall forward him, having detained him only so long as may be necessary for the purpose of enquiry, to a lunatic asylum, together with an order in the accompanying Form No. 1, and a statement of such of the particulars mentioned in the first ten columns of the accompanying Form No. II, as may have been elicited in the course of the enquiry. Provided that instead of sending such person to the lunatic asylum the Magistrate may make him over to the care of a friend or relative who undertakes in writing to the satisfaction of the Magistrate that he shall be taken proper care of and shall be prevented from doing injury to himself or to others.

Magistrates to send wandering lunatics to the asylum.

4. If it appear to a Magistrate on the report of a Police officer, or the information of any other person, that any person within the limits of his jurisdiction deemed to be a lunatic, is not under proper care and control, or is cruelly treated, or neglected by any relative, or other person having the charge of him, the Magistrate may send for the supposed lunatic, and summon such relative or other person as has or ought to have the charge of him; and if such relative or other person be legally bound to maintain the supposed lunatic, the Magistrate may make an order for such lunatic being properly cared for and treated; and, if such relative or other person wilfully neglects to comply with the said order, may commit him to jail for a period not exceeding one month. If there be no person legally bound to maintain the supposed lunatic, or if the Magistrate think fit so to do, he may proceed as prescribed in the last preceding section, and upon being satisfied in manner aforesaid that the person deemed to be a lunatic is a lunatic, and a proper person to be detained under care and treatment, may make an order for his reception into the lunatic asylum. It shall be the duty of every Police officer to report to the Magistrate every such case of neglect or cruel treatment as aforesaid which may come to his knowledge.

Magistrates to send neglected lunatics to the asylum, etc.

5. Whenever under Sections III and IV, a person deemed to be a lunatic is brought before a Magistrate who holds his Court at a place where no lunatic asylum is established, such Magistrate may direct his detention in the nearest Jail*, or Civil Hospital† pending the result of the enquiry required to be made under these rules, and of observations by a Medical Officer, and he shall, before sending such person to a lunatic asylum, take some medical evidence to show that such person is a lunatic, and a fit person to be kept in a lunatic asylum under care and treatment.

Where no asylum is established lunatics to be detained in jails pending enquiry.

6. Any Magistrate sending a lunatic to an asylum under the third or fourth of these rules may, if it appear to him, upon enquiry, that such lunatic has property applicable to his maintenance and more than sufficient to maintain his family, or that any person is legally bound to maintain and has the means of maintaining such lunatic, make an order for the recovery of the charges of the lodging, maintenance, clothing, medicine and care of such

Magistrates may make an order or recovery of maintenance of lunatic.

* † These words were inserted by Notification No. 196, dated 4th August 1891.

lunatic while detained in the asylum, out of such property or from such person. Such order shall be enforced in the same manner as a decree of a Civil Court passed in respect of the property or person therein mentioned.

7. The Medical Officer in charge of the lunatic asylum shall, on such person as aforesaid being sent to him under the third and fourth of these rules, cause all particulars concerning him, as far as they may be ascertainable, to be entered in a register to be kept in Form II hereto annexed, and shall also record in column 14 of the said register his own opinion whether such person is a lunatic and a fit person to be received and detained in the lunatic asylum. If such Medical Officer's opinion should be that such person as aforesaid is not a lunatic and a fit person to be detained in a lunatic asylum, he shall forthwith send an extract from the register to the Magistrate, whose duty it shall then be to direct his discharge either immediately or upon the order of the official visitors at their next meeting as provided for in Rule 11.

8. The Medical Officer in charge of a lunatic asylum shall receive and detain under proper care and treatment any person deemed to be a lunatic sent together with an application in Form II by any Civil Court adjudicating regarding the guardianship of such person under the "Rules relative to the custody and guardianship of minors, lunatics, idiots, etc.," dated 25th April 1872. The particulars concerning such person shall thereupon be entered in the register in Form No. II.

9. The Civil Court acting under Rule 7 shall make such arrangement as it may consider proper for the payment to the Medical Officer in charge of the lunatic asylum of the expenses of the lunatic received into the asylum under its orders or may, if it considers it proper, order that such lunatic shall be treated and cared for in the asylum at the cost of the Government.

10. When any relation or friend of a lunatic detained in an asylum under any of the foregoing rules is desirous that such lunatic be delivered over to his care and custody, he may apply to the Court or Magistrate, under whose order such lunatic is retained, and it shall be in the discretion of such Court or Magistrate, after communication with the Medical Officer in charge of the asylum, and upon an undertaking in writing by the applicant that the lunatic shall be properly taken care of and prevented from doing injury to himself or others, to direct that such lunatic be discharged from the asylum and made over to the care of the applicant.

11. Two or more of the official visitors, one of whom shall be a Medical Officer, shall meet and see, and as far as possible, examine the inmates of the lunatic asylum, once at least in every month. They may, by an order under their hands, direct the discharge of any person detained under any of the foregoing rules. Notice of such order shall immediately be sent to the Magistrate or Court under whose orders or upon whose application the lunatic may have been received. The official visitors shall enter in a book to be kept for that purpose, any remarks which they may deem proper to make in regard to the management and condition of the asylum and its inmates. This book shall be forwarded on 31st December of each year for the inspection of the Judicial Commissioner.

12. The Judicial Commissioner on being satisfied that any convict imprisoned in any Jail is a lunatic, may direct his removal to any lunatic asylum established within the Mysore Province to be kept there under treatment. The time during which such prisoner is so confined in the lunatic asylum shall be reckoned as part of the term of his imprisonment. When it appears to the Judicial Commissioner that such prisoner has become of sound mind, he shall remand the prisoner to the prison from which he was removed, if then still liable to be kept in custody; or if not, shall order him to be discharged.

13. Any person detained in a lunatic asylum under these rules, and escaping therefrom, may be retaken by any officer of such asylum or by any Police officer, and detained therein.

14. The word "Lunatic" as used in these rules, means and includes every person of unsound mind, and every person being an idiot. The word "Magistrate" means any Magistrate of the District, or any Magistrate of a Division of a District, or any first class Magistrate, and includes his successor or predecessor in office.

15. Nothing contained in these rules shall be taken to affect the provisions of Chapter 31 of Act X of 1872 (the Code of Criminal Procedure).
 Saving of the provisions of the Criminal Procedure Code, Chapter XXXI.

No. I.

To

The Officer in charge of the Lunatic Asylum at—

WHEREAS (here enter the name, previous occupation, place of residence, probable age and caste of the lunatic) appears upon due enquiry made by me to be a proper person to be kept in a lunatic asylum under care and treatment, this is to direct that under Section *—of the Rules for the reception and detention of lunatics in asylums, the said (name of the lunatic) be received into the lunatic asylum at—there to be kept under safe custody and proper care and treatment until discharged therefrom in due course of law.

No. II.

Register of persons received in the lunatic asylum at—(as modified by Government Order No. J. 2130-9—Pris. 8-05-28, dated 16th January 1908.)

| Number | Name of patient in full | Sex and age, whether married, single or widowed | Condition of life and previous occupation, and also the religious persuasion as far as known | Previous place of abode | Whether this is the first attack and age, if known on first attack | When and where previously under care and treatment | Whether subject to epilepsy, suicidal or dangerous to others, etc. | Duration of attack and supposed cause | Whether any member of patient's family has been or is affected with insanity | Date of admission into the asylum | Particulars and dates of the authority for admission, i.e., of order of any Magistrate or application of Civil Courts and section of the Rules under which admitted | Opinion of the Medical Officer in charge of the lunatic asylum on admission of the patient | How disposed of and date | At whose cost the patient is to be maintained while in the asylum and if at private cost to whom the bill for maintenance should be sent | Number and kind of property on the person and the address of the relatives, if any |
|--------|-------------------------|---|--|-------------------------|--|--|--|---------------------------------------|--|-----------------------------------|---|--|--------------------------|--|--|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| | | | | | | | | | | | | | | | |

Note.—The application by Civil Courts, and the register in the asylum must contain the above particulars as far as possible.

Additional rules prescribed by Government Order No. J. 2130-39—Pris. 8-05-28, dated 16th January 1908, for the guidance of Magistrates in the matter of reception and detention of lunatics in asylums in the State:—

(1) Whenever a Magistrate directs observation by a Medical Officer or Officer in charge of a lunatic asylum, of a person who is alleged to be a lunatic, he shall forward to such officer a statement of such of the particulars mentioned in the

accompanying Form C as he may have elicited in the course of enquiry, and if he is unable to supply at once all or any of the information required by the said form, he shall forward the same subsequently, should he be able to collect them after due enquiry.

(2) If the Medical Officer or Officer in charge of the lunatic asylum, before whom the patient is sent for observation, finds him insane, he should fill in such of the columns of Form C as are left unfilled and which may be filled in without much difficulty and then return the same to the Magistrate along with the accompanying medical certificate Form A.

(3) If, on receipt of the medical certificate, Form A, and the medical sheet, Form C, the Magistrate is satisfied that the person is a lunatic, and sends him to an asylum, he shall at the same time forward to the asylum, the medical certificate and the medical sheet referred to above, together with an order in Form I as appended to Notification No. 141 of the 23rd July 1874, and a statement in Form II as at present modified with columns 15 and 16 also filled in.

(4) In the case of private patients, besides the forms already prescribed, a statement in accompanying Form B and an indemnity bond for securing payment for the patient's maintenance, should be obtained by the Magistrate from the relative or friend of the patient who desires him to be treated in the asylum and forward along with the patient.

FORM A.

Certificate of Medical Officer (see sub-sections IV and VIII).

I, the undersigned (here enter name and official designation), hereby certify that I, on the day of at , personally examined (here enter name and residence of lunatic), and that the said is a lunatic (or an idiot, or a person of unsound mind), and a proper person to be taken charge of, and detained under care and treatment, and that I have formed this opinion on the following grounds, namely:—

1. Facts indicating insanity observed by myself (here state the facts).
2. Other facts (if any) indicating insanity communicated to me by others (here state the information and from whom).

(Signed).....

FORM B.

Order for the reception of a private patient (see sub-section VII).

I, the undersigned, hereby request you to receive A, B, a lunatic (or an idiot, or a person of unsound mind), as a patient into your asylum. Subjoined is a statement respecting the said A, B.

(Signed) Name.

Occupation (if any).

Place of abode.

Degree of relationship (if any), or other circumstances of connection with the patient.

Dated this day of one thousand nine hundred and.....

To the Superintendent of the Asylum at (describing the asylum).

STATEMENT.

(If any of the particulars in the statement be not known the fact to be so stated.)

Name of patient, with Christian name at length.

Sex and age.

Married, single, or widowed.

Condition of life, and previous occupation (if any).

The religious persuasion, as far as known.

Previous place of abode.

Whether first attack.

Age (if known) on first attack.

When and where previously under care and treatment.

Duration of existing attack.

Supposed cause.

Whether subject to epilepsy.

Whether suicidal.

Whether dangerous to others.

Whether found lunatic by inquisition or enquiry, under order of Court, and date of commission or order for inquisition or enquiry.

Whether any member of patient's family has been, or is affected with insanity.

(Signed) Name.

When the person signing the statement is not the person who signs the order, the following particulars concerning the person signing the statement are to be added, namely:—

Occupation (if any).

Place of abode.

Degree of relationship (if any), or other circumstances of connection with the patient.

FORM C.

1. Name.
2. Age.
3. Sex.
4. Married or single.
5. Number of children.
6. Occupation.
7. Where born and residence.
8. Religion.
9. Whether first attack and duration of present attack.
10. Cause.
11. Whether hereditary or otherwise.
12. Habits and disposition.
13. Degree of education.
14. Natural affection, perverted or not.
15. Evidence of insanity as ascertained from the relatives or the police.
16. Dangerous to self or others or epileptic.
17. Previous treatment.
18. State of bodily health.
19. Any injuries from violence.

Dated 191

Magistrate.